

POLICIES & PROCEDURES COMMITTEE

Kimberly L. Murphy
County Administrator

301 N. Main St, Adrian, MI 49221
p: 517-264-4508 | f: 517-264-4512
lenawee.mi.us



MEMBERS

Nancy Jenkins-Arno, Kevon Martis, Karol "KZ" Bolton

MEETING LOCATION

Chambers
301 N. Main Street - Adrian, MI

Agenda: Monday, September 11, 2023 – 10:00 a.m. or
Immediately following 9 am Airport Commission meeting

- I. **Approval of Minutes** – June 5, 2023
- II. **Old Business**
 - A. **Further Review / Recommendation:** Cash Handling Policy
 - B. **Further Review / Recommendation:** Conflict of Interest Policy
 - C. **Further Review / Recommendation:** Insurance Settlement Policy
- III. **New Business**
 - A. **Policy Review:** Protocol Regarding Legal Counsel
- IV. **Other Business**
 - A. October Meeting - 10/9/23
- V. **Public Comment**
- VI. **Adjournment**

Policies are available: <http://www.lenawee.mi.us/639/County-Policies-Guidelines>

LENAWEE COUNTY BOARD OF COMMISSIONERS

301 N. Main St. Courthouse ~ Adrian, MI 49221

(517) 264-4508

www.lenawee.mi.us

CHAIR

James Van Doren

VICE-CHAIR

Dustin Krasny



Dawn Bales
Karol "KZ" Bolton
Terry Collins
Nancy Jenkins-Arno
Kevon Martis
Ralph Tillotson
Chris Wittenbach

POL#2023-00x

LENAWEE COUNTY CASH HANDLING POLICY

Date of Adoption: 04/2021

PURPOSE AND SCOPE

This policy governs the handling of County Cash, as directed by MCLA 48.35 et seq. empowering the County Treasurer to be responsible for County funds and MCLA 46.11 empowering the County Board of Commissioners to establish rules and regulations in reference to the management of the interest and business of the county. The term "County Cash" applies to currency, coins, checks, credit card payments, electronic payment media and other negotiable instruments payable in money to the County. All moneys which come into the hands of any County Officer or employee pursuant to this policy are public moneys and steps shall be taken to ensure its safekeeping. MCL 750.490.

AUTHORITY IN COUNTY TREASURER

The County Treasurer is authorized to promulgate rules, subject to approval by the Board of Commissioners and prior written notification to the County Clerk and Finance Officer, for establishing the following procedures:

- Receipt, handling and deposit of county cash by Elected Officials and employees of County Cash into the County Treasurer;
- Method of documentation on all such transactions;
- Regular reporting by departments to the County Treasurer;
- Certifying and rescinding qualification by the County Treasurer of all County employees who are authorized to receive or handle County moneys in the regular course of their employment or departmental activities;
- Inspection of departmental cash records, including overages or shortages; and
- Inspection of departmental practices and procedures in handling County Cash.

The County Treasurer may enforce these rules through on-site inspections; by rescinding qualification of any employee who fails to comply with the Rules as adopted and, in the event of noncompliance by a department or employee, requiring that payments be authorized by the County Treasurer, or deposited at his/her office.

DUTIES OF COUNTY PERSONNEL

Any County officer or employee who receives County Cash in the normal scope and course of his/her duties, shall:

- A. County cash shall be:
 - 1. Balanced daily.
 - 2. A deposit prepared daily.
 - 3. Deposit delivered daily to County Treasurer or designated courier drop-off location.
- B. County cash shall be kept separate and apart from the individual's own money and shall not be commingled with the individual's own money, nor with the money of any other person, firm or corporation, pursuant to MCL 750.490.
- C. Comply with rules promulgated by the County Board of Commissioners for handling and processing of County Cash and for documentation and dissemination of records and with departmental internal procedures.
- D. Minimize manual paper transactions and recording/reporting. Increase electronic payment mechanisms such as wire transfers, credit and debit card payments and recording/reporting.
- E. Notify the employee's supervisor, County Financial Officer, and County Treasurer of any loss or theft of County money immediately upon discovery. Written notice shall be given to them no later than twenty-four (24) hours after discovery.
- F. Be subject to disciplinary action (determined by appropriate Elected Official or Department Head) up to and including termination for failure to comply with departmental policies, adopted Board rules, collective bargaining agreements and/or duties described in this policy. Misappropriation of funds may result in criminal prosecution.

QUALIFICATION OF RECEIVERS AND CASHIERS

Only persons who are qualified shall receive and handle County Cash on a regular basis in the scope and course of their employment. Department Heads shall, in the first instance, designate and train employees in their department as to proper cash handling practices consistent with this policy. As a condition to qualification, the County Treasurer may require that the employee complete a course of instruction or training and/or pass an examination on the secure processing of money, consistent with the County Board adopted rules, procedures and applicable departmental rules.

DEPARTMENT DIRECTORS SHALL COMPLY WITH THE FOLLOWING PROCEDURES

- A. Assign the receiving of County Cash only to those persons who are qualified to perform those functions.
- B. Maintain a system of procedures, documentation and reporting on receipt handling and deposit of County funds consistent with the County Board of Commissioners' policy.
- C. Notify the County Financial Officer and County Treasurer of any continuing pattern of loss in excess of twenty dollars (\$20.00), or theft of County Cash immediately upon discovery. In the event of potential theft or other recurring type of irregularity, the County Prosecutor's

Office shall be notified. Written notice shall be given no later than twenty-four hours after discovery.

- D. Allow the Treasurer or his/her designee to make on-site inspections and observe the processing of County Cash, and to make inspections of departmental collection records when it appears County policy may not be adhered to.

STARTUP CASH / PETTY CASH

Departments who take payments from the public are in need of startup cash for their cash drawers. Start up cash is **cash approved by the Board of Commissioners on a case by case basis for use as start-up funds in cash drawers for making change for customers. No expenses should come out of this cash and the amount approved should always be the amount in the drawer after balancing at the end of each day.** To obtain or increase start up cash, the County Treasurer must be notified, and the department must prepare a resolution and cover letter stating the need and reasons for the request. The disbursement issuing the cash is set up as an asset in the County's books and tracked. It is the responsibility of the County Treasurer to annually confirm the start up cash with the departments. The County Treasurer has the authority to do onsite audits of the startup cash at any time.

Departments may need Petty Cash to make incidental purchases. While this practice is discouraged the County realizes there are extenuating circumstances that warrant this process. Petty Cash is **cash approved the Board of Commissioners on a case by case basis for use to make incidental purchases where there is an immediate need and the purchase cannot be charged at the point of service. The total of the receipts in the drawer, plus the cash in the drawer, must always equal the total authorized Petty Cash Fund.** To obtain or increase Petty Cash, the department must notify the County Treasurer, and prepare a resolution and cover letter stating the need and reasons for the request. The expenditures cannot exceed the amount approved for the Petty Cash Fund. The expenditures cannot cause the budgeted line items to be exceeded. It is the responsibility of the County Treasurer to annually confirm the Petty Cash with the departments. The County Treasurer has the authority to do onsite audits of the Petty Cash at any time.

PASSED BY ROLL CALL VOTE of the Lenawee County Board of Commissioners at a regular meeting held Wednesday _____, 2023, in Adrian, Michigan.

James E. Van Doren, Chair

Roxann Holloway, County Clerk

DEPARTMENT	DEPT HEAD/SUPV.	START UP DRAWER CASH	PETTY CASH	EMPLOYEES WITH ACCESS
ADMIN	Kim Murphy	\$0.00	\$0.00	N/A
AGING	Cari Rebottaro	\$0.00	\$0.00	N/A
AIRPORT	Thomas Kendziora	\$0.00	\$0.00	N/A
BUILDING & GROUNDS	Tim Mehan	\$0.00	\$0.00	N/A
CIRCUIT COURT CLERK	Roxann Holloway	\$600.00	\$200.00	Roxann Holloway, Phyllis Escott, Arlene Aranda, Martina Aranda, Debra Hoadley, Nicole Myers, Kim Presley
VITAL RECORDS /ELECTIONS	Roxann Holloway	\$200.00	\$0.00	Roxann Holloway, Michelle Bates, Morgan Blakemore, Julie Ramos, Carolyn Wilson
DISTRICT COURT	Heidi Cannon	\$350.00	\$129.83	Heidi Cannon, Akeyah Creamens, Katie Sinclair, Danielle Bartenslager, Salena Keller, Linda Albright, Courtney Spiegel, Krista Ducat, Danielle Bartenslager, Melissa Wahl
DRAIN COMMISSION	Jennifer Escott	\$0.00	\$100.00	Kara Choate, Amber Kingsley
EMERGENCY MANAGEMENT	Craig Tanis	\$0.00	\$0.00	N/A
EQUALIZATION	Marchelle DeLong	\$25.00	\$175.00	Shelly DeLong, Dareck Wilt, Barb Stubli, Dawn Meeker, Devan DeLong, Elise Clark
FRIEND OF COURT	Rachel McArán	\$0.00	\$0.00	N/A
Health	Monica Hunt	\$100.00	\$400.00	Anne Vore, Kelli Creedon, Kim Gunn, Keri Boss, Rachel Coulter, Mary Ann Lewis, Taylor Mohlar, Jamie Greenwald
IT	Benjamin Ricker	\$0.00	\$0.00	N/A
Jail	James Craig	\$0.00	\$0.00	N/A
Juvenile Court	Dionne Bowens	\$100.00	\$0.00	Dionne Bowens, Tracie Friedley, Darlene Winchel, Julia Tilton
Maurice Spear Campus	Rodney Weaver	\$600.00	\$0.00	Rod Weaver, Sarah Gilinski
Medical Examiner	Sarah Palmani	\$0.00	\$99.00	Sarah Palmani, Pattie McKenzie, David Nowland
Printing	Kim Cramer	\$0.00	\$57.00	Kim Cramer, Debbie Ahrens
Probate Court	Heidi Ross	\$100.00	\$0.00	Heidi Ross, Tracy Friedley, Julia Tilton, Darlene Winchel, Jody Clark, Amelia Gauna, Dawn Fischer
Prosecutor	Jackie Wyse	\$0.00	\$0.00	N/A
Public Defender	Dawn VanDusen	\$0.00	\$0.00	N/A
Register of Deeds	Carolyn Bater	\$100.00	\$100.00	Carolyn Bater, Wanda Suydam, Barb Weasel, Kelsey Bean
Sheriff	Troy Bevier	\$50.00	\$100.00	JoAn Navarro, Nickole Stutz, Melanie Smith, Rebecca Paterson, Sally Neil, Betsy Westfall
Treasurer	Erin VanDyke	\$300.00	\$25.00	Erin VanDyke, Tammy Turner, Anna Solis, Jordan McCaskey, Amy Posey, Autum Smith

Conflict of Interest Disclosure

Elected officials and county employees must be solely committed to the best interests of the citizenry. This is a foundational principle of effective government. To that end, Lenawee County attempts to avoid situations in which an employee's business or personal interests may unduly influence a decision-making process that involves real or apparent conflicts of interest. Both elected and appointed officials are individually responsible for evaluating their affiliations and interests, and those of their close relatives and professional associates, which relate to their duties to Lenawee County before they review any monetary proposals. For purposes of this policy, reference to "employee" shall refer to both elected and appointed officials. Further, it is in the public interest for employees to report to their immediate supervisor or the County Administrator any conduct on the part of any other employee that appears to be a conflict of interest.

Scope: This policy shall apply to all departments, administrative units, and elected officials of the Lenawee County Government.

Conflict of Interest Definition: A conflict of interest shall include, but is not limited to, any matter in which:

- a. An employee has a direct pecuniary interest in the matter or the outcome of the matter. Such an interest results in an incompatibility between the employee's private interests and the employee's fiduciary duties to the public and shall not be permitted. "Pecuniary interest" for purposes of this policy means that an employee has a reasonable likelihood or expectation of direct appreciable and immediate financial gain or loss. An employee does not have a direct pecuniary interest in the matter or the outcome of the matter if the interest is *so remote or insignificant* that it could not reasonably be regarded as likely to influence any decision of a member; or
- b. A person in the employee's immediate family has a direct pecuniary interest in the matter or the outcome of the matter. Such an interest results in an incompatibility between the employee's private interests and the employee's fiduciary duties to the public and shall not be permitted. "Immediate family" means an employee's spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, or any individual living in the employee's household.

Specific situations include but are not limited to, the following: An employee may not participate in the review or award of a contract or transaction in which any of the following has an interest:

1. The employee or the employee's spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, or any individual living in the employee's household.;
2. Any organization (including a parent or subsidiary) in which the employee or the employee's spouse, parent, child, or partner serves as an officer, director, trustee, business partner, or is otherwise similarly associated;
3. Any organization (including a parent or subsidiary) in which the employee or the employee's spouse, parent, child, or partner is negotiating for or has an arrangement concerning prospective employment or other similar association; or
4. Any organization (including a parent or subsidiary) in which the employee or the employee's spouse, parent, child, or partner has an interest with respect to any pending contract or transaction competing under the same program as any other application to be reviewed by the committee.

Failure to Disclose: Any conflict or potential conflict of interest must be disclosed to the County. Failure to do so will result in discipline, up to and including termination of non-elected employees.

The recusal from voting and deliberation: Any voting employee having a conflict of interest shall disclose the conflict and request to abstain from conversation and voting on the item of conflict. The employee shall not attempt to exert his or her influence with respect to the matter, either at or outside the meeting. The employee's presence at the meeting shall not be counted in determining the presence of a quorum for the vote on the matter presenting the conflict of interest.** The employee's ineligibility to vote shall be reflected in the minutes of the meeting.

** I am not sure we want this sentence included as the "employee's" presence does count towards the quorum necessary to conduct the meeting. If they abstain from voting, that is entered into the record and therefore the minutes will reflect their presence, to keep the quorum, but will also reflect their inability to participate in conversation or vote.

Conflict of Interest Disclosure Policy Acknowledgement Form

I have read and understand the definition of conflict of interest.

I have evaluated my affiliations and interests, and those of my close relatives and professional associates, as relating to my duties to Lenawee County.

I hereby certify that, based on the information provided to me,

- ☐ **I do not have a conflict** of interest with any current contracts or pending transactions
or
- ☐ **I have identified and listed below any potential conflict of interest**

I understand that should a situation involving a real or apparent conflict of interest arise, I will complete a Conflict of Interest Disclosure Form and submit it to the County Administrator.

Signature:

Printed Name:

Title:

Date:

Conflict of Interest Disclosure Form
Request to Abstain
(Board of Commissioners)

I have identified and am submitting the following potential conflict of interest

Motion/Resolution abstaining from: _____

Reason for Request: _____

Name of Committee Meeting: _____

Date of Meeting: _____

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Rebecca Borton

From: Kim Murphy
Sent: Friday, September 8, 2023 11:26 AM
To: Rebecca Borton
Subject: FW: Conflict of Interest Disclosure

Follow Up Flag: Follow up
Flag Status: Flagged

From: John Gillooly <jgillooly@garanlucow.com>
Sent: Thursday, August 31, 2023 10:16 AM
To: Kim Murphy <Kim.Murphy@lenawee.mi.us>
Cc: Rebecca Borton <Rebecca.Borton@lenawee.mi.us>
Subject: Re: Conflict of Interest Disclosure

Administrator Murphy,

According to Robert's Rules, the definition of a quorum is the minimum number of voting members who must be present at a properly called meeting to conduct business in the group's name.

Therefore, in my opinion, a member who recuses themselves from a vote due to a conflict of interest would not be considered a "voting member" for purposes of a quorum on the matter that they recused themselves from.

While I believe that the Board could implement a bylaw considering a member who recuses themselves due to a conflict of interest "present" at the meeting, I think the safer route would be to consider them not present for purposes of a quorum on the matter presenting the conflict. The reason being lies in the fact that there may be confusion as to what constitutes a majority vote of the members present at the meeting if that person is considered "present" for purposes of a quorum. For example, if there are six members present at the meeting and one recuses themselves due to a conflict of interest, then would the person who recused themselves be counted as part of the vote as well? Would a "majority" vote be considered three out of five or four out of six?

If a quorum is present for the start of a meeting and somehow is lacking because of a conflict of interest or departure from a meeting, then the meeting should be adjourned and rescheduled so as to allow a quorum to be established.

As such, the language, "The employee's presence at the meeting shall not be counted in determining the presence of a quorum for the vote on the matter presenting the conflict of interest" is accurate.

We have done limited research and have found no case law or attorney general opinion on point, but again, I think this is the safer route.

Please feel free to reply or call with any questions or comments.

John J. Gillooly | Attorney

Garan Luow Miller P.C.

1155 Brewery Park Blvd., Suite 200 | Detroit, MI 48207

(313) 446-5501 DIRECT | (313) 259-0450 FAX

jjgillooly@garanluow.com



On Tue, Aug 29, 2023 at 5:31 PM Kim Murphy <Kim.Murphy@lenawee.mi.us> wrote:

John,

I am following up on this as it is on the Agenda for the September Policy and Procedures meeting on September 11th.

Thank you,

Kim

Kimberly L. Murphy

County Administrator

301 N Main St • Adrian MI 49221

517-264-4513 • kim.murphy@lenawee.mi.us



www.lenawee.mi.us

From: Kim Murphy
Sent: Tuesday, August 1, 2023 9:07 AM
To: 'John Gillooly' <jgillooly@garanlucow.com>
Cc: Rebecca Borton <Rebecca.Borton@lenawee.mi.us>
Subject: Conflict of Interest Disclosure

Attorney Gillooly,

Attached is a Conflict of Interest Disclosure. I believe you have looked at this previously. However, a question came up under the category of FAILURE TO DISCLOSE.

The question is this. What if a member has to recuse themselves from voting, and by doing so, there is a loss of a quorum. Can the vote still take place with the remaining members or does the Rule of Necessity kick in which will allow that person to vote? The specific area is highlighted on the attached draft.

Thank you,

Kim



Kimberly L. Murphy

County Administrator

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LENAWEE COUNTY BOARD OF COMMISSIONERS

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CHAIR

James Van Doren

VICE-CHAIR

Dustin Krasny



*Dawn Bales
Karol "KZ" Bolton
Terry Collins
Nancy Jenkins-Arno
Kevon Martis
David Stimpson
Ralph Tillotson*

POL#2023-0XX

INSURANCE SETTLEMENT POLICY

Date of Adoption: April 4, 2011

Amendments: 05/2018

When a lawsuit is being handled by an insurance company, and the exposure of the county is limited to the deductible under the insurance policy, the commission authorizes the County Administrator, or designee, and the appropriate legal counsel to approve negotiations or a settlement if they are unanimous in their decision.

In the event that the County Administrator's Office is involved in the lawsuit, then the Chair of the Board of Commissioners, or designee, and the appropriate legal counsel shall have the authority to negotiate and/or approve a settlement.

PASSED BY ROLL CALL VOTE of the Lenawee County Board of Commissioners at a regular meeting held **Wednesday, XX, 2023**, in the Old County Courthouse, Adrian, Michigan.

James E. Van Doren, Chair

Roxann Holloway, County Clerk

ADMINISTRATOR'S OFFICE

Kimberly L. Murphy
County Administrator

301 N. Main Street Adrian, MI 49221
p: 517-264-4508 | f: 517-264-4512
Lenawee.MI.US



TO: Policy and Procedures Committee

FROM: Kimberly L. Murphy, County Administrator

RE: Protocol Regarding Legal Counsel

DATE: August 1, 2023

I thought it would be helpful to provide an overview of where we are at on this particular topic along with some talking points for your consideration:

1. On February 14, 2023, Attorney John Gillooly submitted his engagement letter to all Commissioners and the Administrator advising of his firm's protocol and expectations upon becoming Lenawee County's corporation counsel. I have attached it for your reference as (1).
2. The terms of Attorney Gillooly's engagement letter were retyped and proposed as Addendum A to the Rules and Regulations that govern the Board of Commissioners. I have attached it for your reference as (2).
3. It was then suggested that the proposed Addendum A be amended. I have attached it for your reference as (3).
4. On June 9, 2023 I sent all Commissioners an email suggesting bringing up some additional items to consider. I also included in that correspondence samples of policies from Cass, Isabella, and Ogemaw Counties. There is language in each of these that you may want to consider for Lenawee County.

As you review the attached information, I think it is important to consider whether this should be an Addendum to the Commissioners Rules and Regulations, or if it should be a policy that will apply to all county employees and/or /departments, both appointed and elected.

①

**GARAN
LUCOW
MILLER P.C.**

GREAT LAKES LAW FIRM SERVES CLIENTS NATIONALLY

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JOHN J. GILLOOLY
DIRECT DIAL: 313.446.5501
E-MAIL: jgillooly@garanlucow.com

February 14, 2023

VIA E-MAIL:

Commissioner James Van Doren, Chair	comm.vandoren@lenawee.mi.us
Commissioner David Stimpson	comm.stimpson@lenawee.mi.us
Commissioner Dustin Krasny	comm.krasny@lenawee.mi.us
Commissioner Nancy Jenkins-Arno	comm.jenkins-arno@lenawee.mi.us
Commissioner Dawn Bates	comm.bates@lenawee.mi.us
Commissioner Karol "KZ" Bolton	comm.bolton@lenawee.mi.us
Commissioner Terry Collins	comm.collins@lenawee.mi.us
Commissioner Kevon Martis	comm.martis@lenawee.mi.us
Commissioner Ralph Tillotson	rebecca.borton@lenawee.mi.us
County Administrator Kimberly Murphy	Kim.Murphy@lenawee.mi.us

Re: Law Firm Protocol
Our File No.: 8043-2

Dear Chairman Van Doren, Commissioners and Administrator Murphy:

I write this unsolicited letter to each of you with thanks for the confidence that you have shown in me and our law firm in selecting us to serve as Corporate Counsel for Lenawee County.

As I indicated in my remarks to you and in a radio interview with WLEN, I believe that a good attorney is like a good sports official, the less you see or hear from them, the better. I went on to state in the interview that I am very grateful for the confidence you have placed in me and that I will deliver effective and efficient legal advice to each of you so that you can

GARAN LUCOW MILLER, P.C.

Re: Law Firm Protocol

February 14, 2023

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go about your business of doing what is in the best interest of everyone who lives, works and visits Lenawee County.

With that understanding, I have undertaken a thorough review of the website of Lenawee County and the rules and regulations pertaining to the Board of Commissioners and the County Administrator. I could not find any direct reference to the interaction between the Board of Commissioners, the County Administrator and legal counsel. Accordingly, I would offer the following as my thoughts with regard to how to best serve each of you in our firm's role as Corporate Counsel.

I begin with the fundamental principle that the Lenawee County Board of Commissioners are the elected representatives of those who live within Lenawee County and whose primary purpose is to set policy for the activities to be conducted by County government.

It is also a fundamental principle that the County Administrator is generally responsible for implementing the policies set by the Lenawee County Board of Commissioners and ensuring that employees of County government work toward fulfilling the policies. The job description of the County Administrator does state that the work is to be performed under the general supervision of the Board of Commissioners and, as noted on the County website, the Administrator's office has three primary functions:

"Provision of staff assistance to the County Commission and it's various Committees, communicating between the Commission and it's various program areas, and direction of county internal central services."

I would also add that while the County Administrator works under the guidance of the Board of Commissioners, the Administrator must be given some leeway or latitude without being micromanaged or discouraged from taking progressive actions to implement policies and procedures established by the Board of Commissioners.

LEGAL OPINIONS

From time to time, it will inevitably be requested of me by either a sole Commissioner, the Commission as a whole or the County Administrator's office to provide a legal opinion on one or more issues. I am always happy to do so with the following understanding.

It is my general rule that any requests for a legal opinion be made through the County Administrator and the Chair of the County Commission in order that each and every person within the County Commission together with the County Administrator knows exactly when

GARAN LUCOW MILLER, P.C.

Re: Law Firm Protocol

February 14, 2023

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and what type of opinion was requested of me. I will then advise how long I expect it would take to provide such an opinion and, when the opinion is prepared, it will be forwarded to the entire Board of Commissioners and the County Administrator.

Although everyone might not agree with the legal opinion requested or the ultimate legal opinion received, individuals may have his or her own reasons for requesting an opinion that should not require approval of the full Board before requesting such an opinion. The same holds true for legal opinions requested by the County Administrator. These are very important protocols for me in making sure, again, that everyone is aware of the legal opinion being sought and receives a copy of the legal opinion at the same time as everyone else.

MEETINGS

Given the broad responsibility on the shoulders of the Board of Commissioners, there will be times when one or more Commissioners might request to meet with me on a given issue. I do not view that as a problem as long as there is not a quorum present. Rest assured, that I will not provide any formal legal opinions during the course of those meetings. If I am requested to provide a legal opinion as a result of a meeting with one or more County Commissioners, I will promptly advise the entire County Commission of that request while also notifying the County Administrator.

The same holds true with regard to anticipated meetings with the County Administrator, staff members and possibly even including requested meetings with those outside of Lenawee County government. Given that the County Administrator is responsible for carrying out the policies and procedures made by the Board of Commissioners, the County Administrator has a wide variety of duties to fulfill with numerous departments under the County Administrator with which the County Administrator must interact, monitor and work closely with to ensure that policies and procedures of the Board of Commissioners are implemented.

Whenever I am requested to meet with the County Administrator, whether it be alone or in tandem with others, a detailed report will be provided to all summarizing the purpose of the meeting so that each of you know why I was asked to participate in that meeting and the legal consequences thereof.

Again, I know of no prohibition in allowing me to meet individually with Commission members or the County Administrator, or with others, in order to assist the Lenawee County Board of Commissioners in accomplishing its mission on behalf of those who live, work and travel to Lenawee County.

GARAN LUCOW MILLER, P.C.

Re: Law Firm Protocol

February 14, 2023

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In fact, I would welcome the opportunity to meet with each of the Commissioners in the very near future to discuss any legal issues that might be on their minds in how I might be able to assist the County going forward.

I hope that this correspondence puts forth an acceptable protocol between my offices and yours going forward. I have followed this protocol with numerous other municipalities over the past thirty years and it seems to lay out an appropriate framework for interaction between policymakers, those who implement policy and those called upon to render legal advice.

Very truly yours,

GARAN LUCOW MILLER, P.C.

A handwritten signature in black ink, appearing to read "John J. Gillooly", is written over the printed name.

John J. Gillooly

Direct Dial: 313.446.5501

JJG/dms/5702762

cc: Shannon Elliott (via e-mail: shannon.elliott@lenawee.mi.us)

**RULES AND REGULATIONS
BOARD OF COMMISSIONERS
LENAWEE COUNTY**

ADDENDUM A (proposed)

Protocol between Legal and Board of Commissioners

Fundamental Principle - Commission

The Lenawee County Board of Commissioners are the elected representatives of those who live within Lenawee County and whose primary purpose is to set policy for the activities to be conducted by County government.

Fundamental Principle - Administrator

The County Administrator is generally responsible for implementing the policies set by the Lenawee County Board of Commissioners and ensuring that employees of County government work toward fulfilling the policies. The job description of the County Administrator does state that the work is to be performed under the general supervision of the Board of Commissioners and, as noted on the County website, the Administrator's office has three primary functions:

“Provision of staff assistance to the County Commission and **its** various Committees, communicating between the Commission and **its** various program areas, and direction of county internal central services.”

While the County Administrator works under the guidance of the Board of Commissioners, the Administrator must be given some leeway or latitude without being micromanaged or discouraged from taking progressive actions to implement policies and procedures established by the Board of Commissioners.

LEGAL OPINIONS

From time to time, it will inevitably be requested by either a sole Commissioner, the Commission as a whole or the County Administrator's office to provide a legal opinion on one or more issues. The general rule shall be any requests for a legal opinion be made through the Chair of the County Commission and Administrator in order that each and every person within the County Commission together with the County Administrator knows exactly when and what type of opinion was requested. **LEGAL** will then advise how long it would take to provide such an opinion and, when the opinion is prepared, it will be forwarded to the entire Board of Commissioners and the County Administrator. Although everyone might not agree with the legal opinion requested or the ultimate legal opinion received, individuals may have his or her own reasons for requesting an opinion that should not require approval of the full Board before requesting such an opinion. The same holds true for legal opinions requested by the County Administrator. These are very important protocols assuring that everyone is aware of the legal opinion being sought and receives a copy of the legal opinion at the same time as everyone else.

MEETINGS

Given the broad responsibility on the shoulders of the Board of Commissioners, there will be times when one or more Commissioners might request LEGAL to meet on a given issue. That is not a problem as long as there is not a quorum present. LEGAL will not provide any formal legal opinions during the course of those meetings.

If LEGAL is requested to provide a legal opinion as a result of a meeting with one or more County Commissioners, LEGAL will promptly advise the entire County Commission of that request while also notifying the County Administrator. The same holds true with regard to anticipated meetings with the County Administrator, staff members and possibly even including requested meetings with those outside of Lenawee County government. Given that the County Administrator is responsible for carrying out the policies and procedures made by the Board of Commissioners, the County Administrator has a wide variety of duties to fulfill with numerous departments under the County Administrator with which the County Administrator must interact, monitor and work closely with to ensure that policies and procedures of the Board of Commissioners are implemented.

Whenever LEGAL is requested to meet with the County Administrator, whether it be alone or in tandem with others, a detailed report will be provided to all summarizing the purpose of the meeting so that each Commissioner knows why LEGAL was asked to participate in that meeting and the legal consequences thereof.

There is no prohibition in allowing LEGAL to meet individually with Commission members or the County Administrator, or with others, in order to assist the Lenawee County Board of Commissioners in accomplishing its mission on behalf of those who live, work and travel to Lenawee County.

RULES AND REGULATIONS
BOARD OF COMMISSIONERS
LENAWEE COUNTY

Original Language
with proposed
changes (3)

ADDENDUM A (proposed amendments included)

Protocol between Legal and Board of Commissioners

Fundamental Principle - Commission

The Lenawee County Board of Commissioners are the elected representatives of those who live within Lenawee County and whose primary purpose is to set policy for the activities to be conducted by County government.

Fundamental Principle - Administrator

The County Administrator is generally responsible for implementing the policies set by the Lenawee County Board of Commissioners and ensuring that employees of County government work toward fulfilling the policies. The job description of the County Administrator does state that the work is to be performed under the general supervision of the Board of Commissioners and, as noted on the County website, the Administrator's office has three primary functions:

“Provision of staff assistance to the County Commission and **its** various Committees, communicating between the Commission and **its** various program areas, and direction of county internal central services.”

While the County Administrator works under the guidance of the Board of Commissioners, the Administrator must be given some leeway or latitude without being micromanaged or discouraged from taking progressive actions to implement policies and procedures established by the Board of Commissioners.

LEGAL OPINIONS

From time to time, it will inevitably be requested by either a sole Commissioner, the Commission as a whole or the County Administrator's office to provide a legal opinion on one or more issues. ~~The general rule shall be any requests for a legal opinion be made through the Chair of the County Commission and Administrator in order that each and every person within the County Commission together with the County Administrator knows exactly when and what type of opinion was requested.~~ **Any requests for a legal opinion be made through the Administrator in order that each and every person within the County Commission know exactly when and what type of opinion was requested.** LEGAL will then advise how long it would take to provide such an opinion and, when the opinion is prepared, it will be forwarded to the entire Board of Commissioners and the County Administrator. Although everyone might not agree with the legal opinion requested or the ultimate legal opinion received, individuals may have his or her own reasons for requesting an opinion that should not require approval of the full Board before requesting such an opinion. The same holds true for legal opinions requested by the County Administrator. These are very important protocols assuring that everyone is aware of the legal opinion being sought and receives a copy of the legal opinion at the same time as everyone else.

MEETINGS

Given the broad responsibility on the shoulders of the Board of Commissioners, there will be times when one or more Commissioners might request LEGAL to meet on a given issue. ~~That is not a problem as long as there is not a quorum present.~~ All requests to meet with LEGAL should be made through the County Administrator to ensure that the entire board knows that the meeting is taking place, and can participate if desired. If the commissioners desiring to meet with LEGAL represents a quorum of the board, the County Administrator will inform LEGAL and the Commission so it can be added to a public meeting agenda. LEGAL will not provide any formal legal opinions during the course of those meetings.

If LEGAL is requested to provide a legal opinion as a result of a meeting with one or more County Commissioners, LEGAL will promptly advise the entire County Commission of that request while also notifying the County Administrator. The same holds true with regard to anticipated meetings with the County Administrator, staff members and possibly even including requested meetings with those outside of Lenawee County government. Given that the County Administrator is responsible for carrying out the policies and procedures made by the Board of Commissioners, the County Administrator has a wide variety of duties to fulfill with numerous departments under the County Administrator with which the County Administrator must interact, monitor and work closely with to ensure that policies and procedures of the Board of Commissioners are implemented.

Whenever LEGAL is requested to meet with the County Administrator, whether it be alone or in tandem with others, a detailed report will be provided to all summarizing the purpose of the meeting so that each Commissioner knows why LEGAL was asked to participate in that meeting and the legal consequences thereof.

~~There is no prohibition in allowing LEGAL to meet individually with Commission members or the County Administrator, or with others, in order to assist the Lenawee County Board of Commissioners in accomplishing its mission on behalf of those who live, work and travel to Lenawee County.~~

A member of the Board of Commissioners shall not meet individually with LEGAL, or with others, so important information can be shared with the Board as a whole, in order to assist the Lenawee County Board of Commissioners in accomplishing its mission on behalf of those who live, work, and travel in Lenawee County.

Please vote NO on the motion to amend the Rules and Regulations Addendum – Legal Consultation policy dated May 26, 2023.

Why is there suddenly a problem allowing Commissioners to meet individually with legal counsel, when there was no problem allowing this in the past???

The county commissioners were elected by the people of their district to represent them as their county commissioners' and are responsible to the people in their respective districts. Removing the commissioners' freedom and ability to request an opinion from or meet with the county's legal counsel prior to bringing an issue before the full board is removing their ability to represent their constituents by obtaining legal opinions valuable to issues concerning their district, possibly the whole county.

The county administrator is a person appointed by the commissioners to be the administrative manager of the county, whose job is to oversee the day-to-day activities of the county and make sure operations are running smoothly and efficiently. The administrator's responsibility is to work with the commissioners who represent the people; not decide how the commissioners can represent their constituents and when they can seek legal counsel on issues pertinent to their district/county.

Please consider the consequences of this amendment; giving control to an appointed administrator to decide if legal counsel can be consulted, removing the freedom and the ability of the commissioners to represent their constituents by denying access to legal counsel unless the administrator approves.

Please vote NO.

Carol Knoblauch

7506 Riga Hwy

Riga, MI 49276

517-902-1814

Kim Murphy

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From: Kim Murphy
Sent: Friday, June 9, 2023 4:36 PM
To: Commissioner Jenkins-Arno; Commissioner Bales; Commissioner Collins; Commissioner Bolton; Commissioner Krasny; Commissioner Martis; Commissioner Stimpson; Commissioner VanDoren
Cc: 'Ralph Tillotson (15172632945@srfax.com)'; Rebecca Borton; 'John Gillooly'
Subject: Communications on Legal Consultation Policy
Attachments: Sample Policies.pdf

Good Afternoon Commissioners,

Over the last few months you have been considering a policy that outlines what the protocol looks like between "legal" and the Board of Commissioners. Obviously since this is the first time we have had corporation counsel, it is clear that we need to all understand the expectations of what that interaction looks like, not only for those of us currently serving Lenawee County, but for those that may follow us.

In discussing this with Chairman VanDoren, he agreed that it may be beneficial to bring a few observations forward for consideration.

The Board of Commissioners opted to hire corporation counsel. Meaning corporation counsel can provide services to all county officials and departments. In some cases, departments run by elected officials may have opted to work with alternate counsel, however, the majority of the county departments, Administrator, and Board of Commissioners are represented by corporation counsel.

At a recent Michigan Association of County Administrator's Conference a discussion came up during a Nuts and Bolts discussion about corporation counsel. The conversation varied but there were some interesting take-aways from it. Several counties still utilize their Prosecutor, while others have in-house corporation counsel. Where the county has opted into a relationship with outside corporation counsel, several have formal policies much like what we are attempting to create. I did ask a few of the counties if they would be willing to share their policy as I thought it may be helpful to you when finalizing Lenawee County's policy. I have attached them for your review. Unfortunately, I have only received a few policies to date, but can obtain more if you are interested. Attached are policies from Ogemaw, Isabella, and Cass counties.

One of the items Chairman VanDoren and I discussed was that the current policy does not specifically discuss what the interaction between the departments and corporation counsel looks like. I do not believe we are experiencing any difficulties currently, but as we look at a policy that may extend past the time any of us are here, it may be helpful to include language that formalizes what the expectations are at this time.

I would suggest that when a department, whether it be elected or appointed, has a need for corporation counsel, those requests come through the Administrator so that I am aware of the requests being made by the county departments. In cases where an elected official is opting to obtain services from an attorney who is not corporation counsel, the Administrator should be made aware of the request. In the end, these interactions impact that budget and the Administrator needs to be aware of the fiscal impact so they can keep the Commissioners advised.

One of the attached policies also references risk management legal matters and how those are to be handled. I don't know if you want to address that in this type of policy.

These are just a few of my thoughts as you consider a policy regarding communication with corporation counsel.

If you should have any questions, concerns, or wish for me to obtain additional information for you, please do not hesitate contacting me.

Thank you and have a wonderful weekend!

Kim



Kimberly L. Murphy
County Administrator
301 N Main St • Adrian MI 49221
517-264-4513 • kim.murphy@lenawee.mi.us

www.lenawee.mi.us

Have a great day!

Kim



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CIVIL COUNSEL ACCESS

The Board of Commissioners shall be responsible for determining the designation of civil counsel for the County.

Commissioners, elected officials, and appointed department heads shall have access to the designated civil counsel, in accordance with the following procedure:

1. Requests will be made to the County Administrator. Such requests must be approved before civil counsel is contacted.
2. The County Administrator shall document and keep record of all approved requests.
3. Conflict resolution and alternative solutions may be proposed by the County Administrator whenever feasible.
4. Should the requesting party reject alternative solutions and proposals, he or she will forward the request to the Chairperson of the Board for further consideration.

Civil Counsel shall not accept requests for service without approval from the County Administrator.

ADOPTED: 01/21/2009

REVISED: 11/17/2022

General Administrative,
Management, and Operations
Policy No. 230

**Communication
with Legal Counsel**

Approved: January 18, 2005

Amended: June 3, 2008

- A. **General.** It is a policy of the Isabella County Board of Commissioners to have the governmental business of the County conducted within the bounds of Federal, State and local law as defined by statute and also as defined by court interpretation of the statute. To this end, it will be necessary, from time to time, to consult with legal counsel regarding specific issues in order to ensure that County officials act within the letter and/or the spirit/intent of the law.
- B. **Policy/Procedures.**
1. There are four avenues for the conduct of the County's governmental legal affairs:
 - a. Risk management legal matters are handled through the County's risk management insurance carrier. Costs for legal services by the risk management insurance carrier are paid through a flat annual administrative fee. Contact with the insurance carrier by County personnel is not restricted.
 - b. Various legal matters pertaining to governmental operations fall under the purview of the County Prosecutor. There are no restrictions on department heads pertaining to contact with the County Prosecutor.
 - c. Personnel matters such as collective bargaining and labor hearings are handled through a private labor law firm (referred to in the following paragraphs as "Labor Counsel"). Costs for legal services are billed at an hourly rate. Because of this and in order to minimize costs, contact with Labor Counsel is limited to the following County officials:
 - 1.) Chairman, Board of Commissioners.
 - 2.) County Administrator
 - 3.) Other County officials as designated from time to time as described in this policy.
 - d. All other legal affairs not previously identified are handled through a private law firm (referred to in the following paragraphs as "Corporation Counsel"). Costs for legal services are billed at an hourly rate. Because of this and in order to minimize costs, contact with Corporation Counsel is limited to the following County officials:

- 1.) Chairman, Board of Commissioners.
 - 2.) County Administrator
 - 3.) Other County officials as designated from time to time as described in this policy.
2. Requests for Labor Counsel Assistance. Appointed department heads shall refer all requests for labor counsel assistance to the Administrator. Elected department heads who act as a co-employer with the Board of Commissioners are authorized to contact Labor Counsel to discuss sensitive personnel issues. Such contact shall not exceed two billing hours for a single issue and the Administrator shall be notified of the contact and any resulting recommendation. If additional assistance is needed, the elected department head shall meet with the Administrator about the request. If it is determined that additional time is warranted, the Administrator shall take appropriate action to secure the assistance of Labor Counsel.
3. Requests for Corporation Counsel Assistance. Any county department in need of assistance from Corporation Counsel shall submit a written request to the Administrator. In that request, the department head should explain the need for retaining the assistance of corporation counsel and why the Prosecuting Attorney can not handle this particular matter. The Administrator shall meet with the Prosecuting Attorney to discuss the request. If it is determined that Prosecuting Attorney will not handle the matter, the Administrator shall take appropriate action to secure the assistance of Corporation Counsel. The Board may determine that any specific matter be referred directly to Corporation Counsel.
4. Legal Counsel for Elected County Officials. State statute provides the Board of Commissioners with the sole authority to retain legal counsel for elected officials. (MCL 49.73) The Board shall employ an attorney to represent elected county officers, including the Sheriff, Prosecuting Attorney, Clerk, Treasurer, County Surveyor, Register of Deeds, Drain Commissioner, and Judges of the District, Probate, and Circuit Courts in civil matters, as a defendant, when neither the Prosecuting Attorney nor Corporation Counsel is able to represent the particular officer.
 - a. Legal advice, counsel, or court action shall be required under this section only in a case which involves an official act or duty of the office of the county officer.
 - b. The attorney shall receive reasonable compensation as shall be determined by the Board of Commissioners.

- c. The Board of Commissioners shall set the terms and conditions of employment of legal representation for elected county officials. The Board shall provide legal representation when an elected official is a named defendant in any State or Federal Court. If the elected official is not a named defendant, the board, at its discretion, may authorize counsel.
- d. If the Board of Commissioners approves the retention of counsel, the Administrator is authorized to pay the attorney a reasonable fee. If, however, the Board does not approve retention of counsel, the Attorney shall be paid by the respective requesting elected official. An elected official may recommend to the Board which legal counsel they would prefer to represent them, however, the final decision as to legal representation rests with the Board of Commissioners.

Use of County Civil Counsel

Approved: February 25, 2021
Resolution No. 21-15

- A. The Board of Commissioners has determined that it is necessary to employ attorneys to represent the County or County officers in civil matters as permitted under the County Civil Counsel Act (Act 15, PA 1941, as amended, being MCL 49.71 et seq.). As such, the Prosecuting Attorney shall not act with respect to such matters, unless requested to do so by the Board of Commissioners (MCL 49.72). Attorneys employed in this capacity shall represent all elected county officers, including the Sheriff, Prosecuting Attorney, Clerk, Treasurer, Register of Deeds, Drain Commissioner, and judges of the District, Probate, and Circuit Courts in civil matters, as a defendant. Legal advice, counsel, or court action shall be required under this section only in a case which involves an official act or duty of the office of the County officer. The attorney shall receive reasonable compensation as shall be determined by the board of commissioners.
- B. All contact with County Civil Counsel shall occur through the County Administrator acting as representative of the Board of Commissioners. Expenditures for County Civil Counsel services shall not be incurred or expended without prior approval of the Board of Commissioners.
- C. In the unlikely event an Ogemaw County entity files suit against another, the procedure to determine legal representation shall be as follows:
 - 1. An Ogemaw County entity must exhaust all efforts to resolve an issue with another Ogemaw County entity prior to initiating any formal legal proceedings or lawsuits.
 - 2. Expenditures for outside Counsel shall not be incurred or expended without prior approval of the Board of Commissioners.
 - 3. In emergency situations, the County Administrator is authorized to approve legal expenditures as long as the members of the Board of Commissioners are notified immediately.
 - 4. In the event the County incurs a financial obligation, the Board of Commissioners will determine the appropriate funding source, including but not limited to either parties' existing County budget or the Contingency Fund.
 - 5. County Officials must first meet with the Board of Commissioners to determine the amount of compensation to be expended for any outside counsel and to ensure that all other avenues have been exhausted.
- D. The possibility of utilizing counsel from an adjacent governmental unit, or outside counsel, will be explored when necessary legal representation creates a conflict of interest for the County Attorney.

Policies Procedures

FINANCIAL POLICIES	Original Adoption	Notes
Accounts Payable	Jan-13	POL#2023-002
Automated Clearing House (ACH)	Jun-03	POL#2017-902
Bidding Policy	Jul-00	POL#2023-003
Bond and Annexations	Sep-99	POL#2023-004
Cash Handling Policy	Apr-21	POL#2021-003
Contracts: Authority/Designate Signatory	Sep-07	POL#2018-004
Credit Card Policies		
Acceptance Policy	Dec-97	
Issuance Policy	Jul-05	POL#2023-005
Federal Awards Administration	Dec-16	
Fixed Assets	Mar-06	POL#2018-005
Insurance Settlement	Apr-11	POL#2018-007
Investment	Feb-03	POL#2023-001
Tuition Reimbursement	Sep-07	POL#2018-006
Travel Reimbursement	Jun-23	POL#2023-006
PERSONNEL POLICIES	Original Adoption	Notes
Personnel Handbook		POL#2019-010
Anti -Harassment	Feb-02	POL#2018-002
Equal Employment Opportunity Resolution	Sep-76	POL#2018-012
Photo ID Badges	Apr-14	POL#2018-009
INFORMATION TECHNOLOGY	Original Adoption	Notes
IT & Security Policies (inclusive)		POL#2020-003
GENERAL/OTHER POLICIES	Original Adoption	Notes
Airport Driving Policy	May-06	POL#2019-008
CDBG-Citizen Participation Plan	Feb-19	POL#2019-003
CDBG-Economic Opportunities for Section 3	Feb-19	POL#2019-004
CDBG-Grievance Procedure	Feb-19	POL#2019-005
CDBG-Non-Discrimination based on handicap	Feb-19	POL#2019-002
Fair Housing Policy	Aug-88	<i>To be reviewed by legal counsel</i>
Flag Etiquette Policy	Oct-86	
Freedom of Information Act (FOIA) Policy	Mar-10	POL#2018-011
Green Initiative Policy	Mar-88	POL#2019-009
Hiring Freeze Policy	Jan-89	POL#2019-006
Parking Lot Policy	Mar-88	POL#2019-007
Record Retention		
Vehicle Use Policy	Mar-88	POL#2019-013